

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TEVIN McCURRY, a Minor, by his)	
mother and next best friend,)	
SHARONDA McCURRY,)	
)	
Plaintiff,)	NO. 07 C 3449
)	
vs.)	JUDGE ANDERSEN
)	
CHICAGO POLICE OFFICERS D.)	MAGISTRATE SOAT-BROWN
SMITH, STAR NO. 13941 and B.)	
RANIERE, STAR NO. 15322,)	JURY DEMAND
)	
Defendants.)	

FIRST AMENDED COMPLAINT AT LAW

NOW COMES the plaintiff, TEVIN McCURRY, a Minor, by his mother and next best friend, SHARONDA McCURRY, through his attorney, MICHAEL D. ROBBINS, and in complaining of defendants, CHICAGO POLICE OFFICERS D. SMITH, STAR NO. 13941 and B. RANIERE, STAR NO. 15322, states as follows:

COUNT I

(DEPRIVATION OF CIVIL RIGHTS, EXCESSIVE FORCE)

1. This is an action for civil damages brought pursuant to 42 U.S.C. Sec. 1983 for the deprivation of plaintiff's constitutional rights. This court has jurisdiction under 28 U.S.C. Sec. 1331 and 1333.
2. Defendants CHICAGO POLICE OFFICERS D. SMITH, STAR NO. 13941 and B. RANIERE, STAR NO. 15322, are, and at all times material hereto were, sworn Chicago Police Officers employed by the City of Chicago acting in the capacity of sworn law enforcement officials. The officers are sued in their individual capacity.

3. Plaintiff, TEVIN McCURRY, is a 15-year-old minor who at all times relevant hereto was living in the Northern District of Illinois.

4. On November 27, 2006, at approximately 9:00 p.m., the plaintiff was walking with friends in the vicinity of LaSalle Street and Oak Street in Chicago, Illinois. The plaintiff saw one of the defendant officers pull his weapon and shout "freeze."

5. DEFENDANT OFFICERS then proceeded to grab the plaintiff and force the plaintiff against a fence. DEFENDANT OFFICERS grabbed plaintiff's neck and put plaintiff's right arm behind his back.

6. DEFENDANT OFFICERS then grabbed plaintiff's thumb, bent it back and caused plaintiff's thumb to be broken. Plaintiff offered no resistance to the defendant officers and made no attempt to flee.

7. As a direct and proximate cause of the wrongful acts of defendant, minor plaintiff TEVIN McCURRY, suffered physical injuries and psychological injuries, as a consequence of which he has endured great pain and suffering.

8. Following the assault the plaintiff was taken to Lincoln Park Hospital.

9. The acts of the DEFENDANT OFFICERS were a deliberate and malicious deprivation of plaintiff's Constitutional rights as guaranteed to the plaintiff by the Fourth Amendment to the Constitution, as made applicable to the states by the Fourteenth Amendment.

WHEREFORE, plaintiff, TEVIN McCURRY, a Minor, by his mother and next best friend, SHARONDA McCURRY, asks judgment against defendants, CHICAGO POLICE OFFICERS D. SMITH, STAR NO. 13941 and B. RANIERE, STAR NO. 15322, in a sum sufficient to compensate the plaintiff for his injuries, together with an award of reasonable attorneys fees and the cost of this action.

COUNT II

(PENDANT STATE CLAIM OF COMMON LAW BATTERY)

10. Plaintiff realleges paragraphs 2 through 9 of Count I, as if fully set forth at this point.

11. The DEFENDANT OFFICERS caused physical injuries to the minor plaintiff without any provocation or lawful justification and thereby committed a battery on the minor plaintiff.

12. The unlawful conduct of the DEFENDANT OFFICERS proximately caused great bodily harm and psychological injuries to the minor plaintiff.

WHEREFORE, plaintiff, TEVIN McCURRY, a Minor, by his mother and next best friend, SHARONDA McCURRY, asks judgment against defendants, CHICAGO POLICE OFFICERS D. SMITH, STAR NO. 13941 and B. RANIERE, STAR NO. 15322, in a sum sufficient to compensate the plaintiff for his injuries.

Respectfully submitted,

/s/ Michael D. Robbins
MICHAEL D. ROBBINS
Attorney for Plaintiff, Tevin McCurry, A Minor, by
his mother and next best friend, Sharonda McCurry

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